

Federal Court quashes government decision that refuses protection visas for asylum seekers convicted of crimes

By [Anna Henderson](#) Updated Wed 9 Apr 2014, 4:44 PM AEST

The Federal Court has quashed a government decision to refuse protection visas to a group of refugees who were convicted of offences while in detention.

In 2011, under the Labor government, a new clause was added to the character test allowing the government to refuse a protection visa to a refugee if they were convicted of a crime in detention.

The Federal Court has been considering the cases of five people from Afghanistan and Iraq found to be refugees.

One was convicted after spitting on a Serco officer and four others were convicted after damaging Commonwealth property while being held in a Darwin immigration detention centre.

Despite being recognised as refugees, they were all denied protection visas by the Labor government under the clause.

At the time, the government argued the decision would send a message to other asylum seekers but the Federal Court has found the refugees were denied natural justice.

The court has quashed the decision, arguing it fails to take into account Australia's obligations regarding indefinite detention.

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